1942. **File No.** O. Succession/42

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Legal **DEPARTMENT**

"A" **BRANCH** p 4(E)

Subject:—

S.R.C. 4/6

Opinions under the Indian Succession Act, 1925."

File No. O. Succession/42

Std. Sectt. Slip 24 B e.

555-A

C O N T E N T S.

Legal Department file No. O. Succession/43.

S.No.	Comm. No.	Subject	Pages.
		Opinions under the Indian Succession Act, 1925.	
1)		O.S. II, D. L., 4127/4 dt 16/12/43.	
		Re: Succession certificates stamping of - granted by Political officers to ~~Certificates~~ of Indian states under section 382 of - -----	
			1-4.

S.R.C. 21/5

Madhav Baokadam.
7/3

O/C.

Succession Certificates
Stamping of— granted by Political Officers to residents of Indian States under section 382 of the Indian Succession Act, 1925.

GOVERNMENT OF BOMBAY.
HOME DEPARTMENT.
RESOLUTION NO. 4127/4.
BOMBAY CASTEL, 16th DECEMBER 1942.

Letter from the Secretayr to His Excellency the Crown Representative, No.F.82-I.B./42, dated the 6th April 1942:-

"Prior to 1940 the procedure followed by certain Political Officers in granting succession certificates to residents of Indian States under section 382 of the Indian Succession Act, 1925, was to ask applicants to deposit stamp duty with their applications for the grant of certificate. But on review in that year it was found that there is no legal authority for political officers to levy such court fees since section 379has no operation save in respect of applications made in British India or in an administered area to which both the Indian. Succession Act and the Court fees Act have been applied.

2. Further, the procedure in question yielded the illogical result that the court fees taken by political officers enured for the benefit of the province which supplied court fee stamps to the Residency concerned, instead of to the province in which the major part of the property was situated, and which would have got the benefit if section 382 of the Indian Succession Act were left to its operation.

3. All political officers were therefore instructed not to levy court fees when granting succession certificate, and such certificates are now granted by them with the caveat that they are valid only if stamped in accordance with section 382 of the Indian Succession Act, 1925.

4. Compliants are however being received, some have also been buplished in the press,-that certain local authorities decline to calculate the fees or cancel stamps due on certificates granted by political officer, in the ~~in the~~ absence of instructions. In this connection, the Crown Representative ~~is~~ advised that it is for the Provincial Government concerned to frame suitable rules under section 27(a)of the Court Fees. Act, 1870,for regulating the supply of stamps to be used on such certificates when brought into the Province, for the stamping of such certificates if they are not intended to be filed or produced in a court or public office and for the cancellation of such stamps. I am accordingly directed to request that if there is no objection, suitable steps may kindly be taken with a view to eliminate the difficulties likely to arise from the absence of such instruction".

Letter from the Secretary to His Excellency the Crown Representative, No.F.82-I.B./42,dated the 20th June 1942:- Forwarding for information, a copy of the following Express Letter No.F.82-I.B./-42,dated 20th June 1942, issued to the Honourable Resident in Mysore:-

Reference/.....

Reference your express letter No.R.F.22 (12)-41/Judl., dated June 9th. Succession certificates grainted by Political Officer., No objection to continuance of practice referred to until necessary rules are made by Provincial Government.".

Memorandum from the Superintendent of Stamps, Bombay, No .6489/5,dated the 24th June 1942.

Memorandum from the Superintendent of Stamps, Bombay. No. 9846/5,dated the 10th October 1942.

RESOLUTION:- For the convenience of residents of Indian States holding succession certificates granted by Political Officers under section 382 of the Indian Succession Act, the Government of Bombay is pleased to authorise ~~sion Act, the Government of Bombay is pleased to authorise~~ and instruct the Superintendent of Stamps, Bombay, to calculate, on application, the amount of court fee leviable on such certificates, in cases where they are not

they are not intended to be filed or produced in a court or before a public officer. The Superintendent of Stamps should on request endorse the certificates as correctly stamped when stamps of the value calculated by him are affixed to the certificate and the party allows him to cancel them.

2. The succession certificates should be produced before the Superintendent of Stamps within six months from the date they are granted and they should be accompanied by a true copy of the afidavit filed by the applicants in the Courts of Political Officers, stating therein that the valuation made by them is correct. Succession certificates already granted, should be produced within six months after the issue of this Government Resolution.

1711 By order of the Governor of Bombay,

Sd/-

Deputy Secretary to the Government of Bombay, Home Department.

G.R. H.D., No 4127/4, dated the 16th December 1942.

To.....

M.R.D.
5-5-56
C.4

To

The Prothonotary and Senior Master, High Court, Bombay.
The Registrar, High Court, Appellate Side, Bombay,
The All Commissioners of Divisions,
The Inspector General of Registration,
All Collectors,
The Collector of Bombay.
All District Judges,
The Superintendent of Stamps, Bombay (By letter),
The Remembrancer of Legal Affairs,
The Accountant General Bombay,
The Political and Services Department,
All Departments of the Secretariat (except Separate Department),
The Honourable the Resident for the States of Western India (By Letter),
The Resident for Baroda and Gujarat States (By letter),
The Resident for Kolhapur and the Deccan States (By letter)

M.R.D.
5-5-56
C.4